

REMARKS

The above amendment to claim 15 inserts the same proviso which appears in claims 1 and 14. The compounds defined now require one of the substituents X^1 to X^7 to be hydroxy or $-OC(O)C_1-C_4$ alkyl and are distinct from the compounds claimed in U.S. Patent Application Serial No. 10/042,203.

The compound “ N -(4-chloro-3-(trifluoromethyl) phenyl)- N' -(4-(2-carbomoyl-4-pyridyloxy) phenyl) urea” does not have hydroxy or $-OC(O)C_1-C_4$ alkyl as one of the substituents (X^1-X^7) required by the proviso inserted in claim 15.

The compound “ N -(4-chloro-3-(trifluoromethyl) phenyl)- N' -(4-(2-(N -methylcarbamoyl)-4-pyridyloxy) phenyl) urea” does not have an unsubstituted carbamoyl group ($-C(O)NH_2$) and also does not have hydroxy or $-OC(O)C_1-C_4$ alkyl as one of the substituents (X^1-X^7).

The compound “ N -(2-methoxy-4-chloro-5-(trifluoromethyl) phenyl)- N' -(3-(N -methylcarbamoyl)-4-pyridyloxy) phenyl) urea” does not have an unsubstituted carbamoyl group ($C(O)NH_2$) and does not have hydroxy or $-OC(O)C_1-C_4$ alkyl as one of the substituents (X^1-X^7).

Based on the above remarks, applicants submit the double patenting rejection in view of the claims in copending U.S. Patent Application Serial No. 10/042,203 should be withdrawn.

Information Disclosure Statement

Applicants acknowledge that the Examiner has initialed some documents listed in the PTO-1449 form submitted with the IDS but not all. Clarification is respectfully requested as to why certain documents have not been initialed or considered.

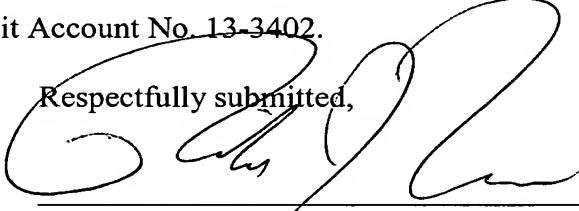
Restriction Requirement

Applicants maintain the subject matter of claims 19-21 should be included in the examination of claims 1-18 and 22-25 on the basis that it would not be an undue burden to extend the examination to this subject matter. Claims 19-21 require the administration of a compound of claim 1 in combination with another element. If a component of a combination is novel and unobvious, the combination and its use are novel and unobvious. Therefore, withdrawal of the restriction requirement and inclusion of claims 19-21 with the examined claims is respectfully requested.

In view of the above, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


Richard J. Traverso, Reg. No. 30,595
Attorney/Agent for Applicants

MILLEN, WHITE, ZELANO &
BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: **BAYER-0015-P04**

Date: September 20, 2005

(RJT/slm) K:\Bayer\115p4\Reply to 4-20-05 OA.doc